

House of Representatives, April 8, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING POLICE POWERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 54-1f of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:

4 (a) For purposes of this section, the
5 respective precinct or jurisdiction of a deputy
6 sheriff or a special deputy sheriff shall be
7 wherever he is required to perform his duties.
8 Peace officers, as defined in subdivision (9) of
9 section 53a-3, in their respective precincts,
10 shall arrest, without previous complaint and
11 warrant, any person for any offense in their
12 jurisdiction, when the person is taken or
13 apprehended in the act or on the speedy
14 information of others, provided that no constable
15 elected pursuant to the provisions of section
16 9-200 shall be considered a peace officer for the
17 purposes of this subsection, unless the town in
18 which such constable holds office provides, by
19 ordinance, that constables shall be considered
20 peace officers for the purposes of this
21 subsection.

22 (b) MEMBERS OF ANY LOCAL POLICE DEPARTMENT,
23 OUTSIDE THEIR RESPECTIVE PRECINCTS, WHEN ON DUTY

24 AND IN UNIFORM, MAY ARREST, WITHOUT PREVIOUS
25 COMPLAINT AND WARRANT, ANY PERSON FOR ANY OFFENSE
26 WHEN THE PERSON IS TAKEN OR APPREHENDED IN THE ACT
27 OR ON THE SPEEDY INFORMATION OF OTHERS, PROVIDED
28 SUCH POLICE DEPARTMENT HAS ADOPTED A POLICY
29 AUTHORIZING SUCH EXTRATERRITORIAL ARREST POWER BY
30 MEMBERS OF SUCH DEPARTMENT AND SUCH MEMBER IS
31 ACTING IN ACCORDANCE WITH SUCH POLICY. ANY LOCAL
32 POLICE DEPARTMENT MAY ADOPT A POLICY CONCERNING
33 EXTRATERRITORIAL ARREST POWER BY MEMBERS OF SUCH
34 DEPARTMENT. SUCH POLICY SHALL SPECIFY UNDER WHAT
35 CIRCUMSTANCES AND FOR WHAT OFFENSES ARRESTS
36 OUTSIDE A POLICE OFFICER'S PRECINCT ARE AUTHORIZED
37 BY THAT DEPARTMENT. SUCH POLICY SHALL NOT BE
38 EFFECTIVE UNTIL APPROVED BY THE MUNICIPALITY IN
39 WHICH SUCH POLICE DEPARTMENT IS LOCATED IN THE
40 SAME MANNER AS ORDINANCES ARE ADOPTED BY SUCH
41 MUNICIPALITY. WHENEVER A POLICE OFFICER MAKES AN
42 ARREST UNDER THIS SUBSECTION, HE SHALL IMMEDIATELY
43 PRESENT THE ARRESTED PERSON TO THE LOCAL POLICE
44 DEPARTMENT OR STATE POLICE TROOP HAVING
45 JURISDICTION OVER THE PRECINCT IN WHICH THE ARREST
46 WAS EFFECTED.

47 [(b)] (c) Members of the Division of State
48 Police within the Department of Public Safety or
49 of any local police department or any chief
50 inspector or inspector in the Division of Criminal
51 Justice shall arrest, without previous complaint
52 and warrant, any person who the officer has
53 reasonable grounds to believe has committed or is
54 committing a felony.

55 [(c)] (d) Members of any local police
56 department or the Office of State Capitol Police,
57 sheriffs, deputy sheriffs, special deputy sheriffs
58 and constables who are certified under the
59 provisions of sections 7-294a to 7-294e,
60 inclusive, and who perform criminal law
61 enforcement duties, when in immediate pursuit of
62 one who may be arrested under the provisions of
63 this section, are authorized to pursue the
64 offender outside of their respective precincts
65 into any part of the state in order to effect the
66 arrest. Such person may then be returned in the
67 custody of such officer to the precinct in which
68 the offense was committed.

69 [(d)] (e) Any person arrested pursuant to
70 this section shall be presented with reasonable
71 promptness before proper authority.

72 JUD COMMITTEE VOTE: YEA 36 NAY 1 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5502

STATE IMPACT	Potential Cost, see explanation below
MUNICIPAL IMPACT	Potential Minimal Cost, Can Be Absorbed, see explanation below
STATE AGENCY(S)	Various Criminal Justice Agencies

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: The passage of this bill could result in potential costs to the State that cannot be determined at this time, and in minimal additional costs to various municipalities, that could be absorbed within existing resources. The bill extends the power of local police to make warrant-less arrests to areas outside of their precinct. In order to make such an arrest outside the officer's jurisdiction, the officer must be on duty and the municipality must have adopted an ordinance specifying permissible circumstances and offenses. This could result in minimal, absorbable costs to municipalities from adopting ordinances and from an increase in the number of arrests. Additional arrests would result in increased pressures on the criminal justice system. Over the long term, these pressures could lead to a need for increased criminal justice resources, especially for incarceration and community supervision.

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OLR BILL ANALYSIS

SHB 5502

AN ACT CONCERNING POLICE POWERS

SUMMARY: This bill extends the power of local police to make warrantless arrests to areas outside their precincts when a policy that sets out the circumstances and offenses for which extraterritorial arrests may be made has been adopted by the police department and approved by the municipality through its ordinance process. Current law allows local police to make warrantless arrests outside their precincts only when they have reasonable grounds to believe that a person has or is committing a felony or when an officer is in immediate pursuit of someone from his precinct.

The bill requires a police officer making an extraterritorial arrest to be on duty and in uniform and acting in accordance with an adopted policy. The arrested person must be immediately presented to the local police department or State Police troop with jurisdiction in the precinct where the arrest occurred.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION**Offenses**

Under the bill, local police may make extraterritorial arrests only for offenses that are specified by the department and the municipality. Offenses are crimes or violations of the law of this or any state, local law or ordinance, or federal law for which a prison sentence, a fine, or both may be imposed. Motor vehicle violations and infractions are excluded.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 36 Nay 1